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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/416,715	10/13/99	LEMBKE M	10191/1201

026646
KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

IM52/1010

EXAMINER
ZACHARIA,R

ART UNIT	PAPER NUMBER
1773	7

DATE MAILED: 10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/416,715	Lembke et al.
Examiner	**Art Unit**
Ramsey Zacharia	1773

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Aug 13, 2001*

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6 and 8-17* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6 and 8-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1, 4-6, 8, 10, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellison et al. (U.S. Patent 5,514,427).

Ellison et al. teach a molded article that may be used in the automobile industry (column 1, lines 16-35). The molded article comprises a surface coating layer adhered to the molded article (Figure 1 and column 3, lines 24-32). In the embodiments of Examples 1-5, the surface layer comprises a fluorinated polymer.

Regarding the limitations of claims 4, 5, and 10, the stability temperature, surface energy, and decomposition temperature are taken to be physical properties of the material. Since Ellison et al. uses a fluorinated polymer for the coating as is done in the instant application, the coating of Ellison et al. is taken to inherently possess the same material properties as that of the instant invention. Furthermore, a coating having a surface energy that meets the limitations of claim 5 should also meet the limitations of claim 6.

3. Claims 1, 4-6, 8, 10, 11, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al. (U.S. patent 4,606,952).

Sugimoto et al. teach an automotive fuel hose and fuel pump diaphragm comprising a laminate of a fluororubber inner layer bonded to an outer layer (column 1, lines 9-13).

Regarding the limitations of claims 4, 5, and 10, the stability temperature, surface energy, and decomposition temperature are taken to be physical properties of the material. Since Sugimoto et al. uses a fluorinated polymer for the coating as is done in the instant application, the coating of Sugimoto et al. is taken to inherently possess the same material properties as that of the instant invention. Furthermore, a coating having a surface energy that meets the limitations of claim 5 should also meet the limitations of claim 6.

Claim Rejections - 35 USC § 103

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al. (U.S. Patent 5,514,427).

Ellison et al. teach all the limitations of claim 9, as outlined above, except for illustrating a specific embodiment wherein the thickness of the coating layer meets the limitations of claim 9. However, Ellison et al. do explicitly teach that the thickness of the coating layer may preferably be as thin as 0.5 mil, i.e. about 13 μm (column 6, lines 43-45). A thickness of about 13 μm is taken to be within about 10 μm.

The Examiner takes the position that it would have been obvious to use any of the disclosed thicknesses, including about 13 μm, given the reasonable expectation of equivalent results and absent a showing of criticality.

Therefore, the invention of claim 9 would have been obvious to one of ordinary skill in the art at the time the invention was made.

5. Claims 1-6, 8, 10-13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gneiss et al. (U.S. Patent 4,944,182) in view of May (U.S. Patent 5,427,859).

Gneiss et al. teach an air flow meter comprising a plastic material coating on one surface of the meter to protect the meter from inaccuracies that can arise from long-term soiling over a period of time (column 1, lines 24-38). A suitable material for the plastic coating is one that intrinsically resistant to soiling deposits (column 3, lines 43-45).

Gneiss et al. do not teach the use of a fluorinated polymer as the plastic material for the coating. However, Gneiss et al. do explicitly recommend that a material possessing an innate ability to avoid deposits be used as the plastic material for the coating. Gneiss et al. also teach that the material to which the plastic coating material is applied may be a ceramic (column 3, lines 18-21).

May teach a fluorinated polymer that has oil and water repellency as well as a resistance to soil (abstract). The fluorinated polymer may be applied to various substrates including porcelain, a ceramic (column 4, lines 25-51).

One of ordinary skill in the art would be motivated to use the fluorinated polymer of May as the plastic material for the coating of Gneiss et al. as a means for further reducing the effect of soiling on the accuracy of the air flow meter.

Regarding the limitations of claims 4, 5, and 10, the stability temperature, surface energy, and decomposition temperature are taken to be physical properties of the material. Since May uses a fluorinated polymer for the coating as is done in the instant application, the coating of May is taken to inherently possess the same material properties as that of the instant invention. Furthermore, a coating having a surface energy that meets the limitations of claim 5 should also meet the limitations of claim 6.

Therefore, the inventions of claims 1-6, 8, 10-13, and 17 would have been obvious to one of ordinary skill in the art at the time the inventions were made.

Response to Arguments

6. Applicant's arguments filed August 13, 2001 have been fully considered but they are not persuasive.

The Applicant argues that none of Ellison et al., Gneiss et al., nor Sugimoto et al. teach or suggest the coating containing at least one compound selected from the group consisting of fluorormocers, fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers.

This is not persuasive for the following reasons. Polymeric fluorocarbon resins are fluorocarbon polymers, i.e. fluoropolymers. Ellison et al. and Sugimoto et al. both teach the use of fluoropolymers in a surface layer. While Gneiss et al. do not disclose the use of a fluoropolymer, there is an explicitly teaching a plastic material possessing an innate ability to avoid deposits be used and May teaches that fluoropolymers possess such characteristics.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (703) 305-0503. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non after-final correspondences and (703) 872-9311 for after-final correspondences.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700

REZ

Ramsey Zacharia

October 5, 2001